

REMARKS

Summary of Amendments

Claim 3 has been canceled, and claim 1 has been amended to include the limitations of claim 3. In addition claims 1, 2, and 4-10 have been amended for editorial clarity.

Specification

The specification has again been objected to for "grammatical and idiomatic errors and inconsistencies," with examples of such problems being given this time.

Applicant hereby respectfully requests, as provided for in 37 C.F.R. § 1.111(b), that this objection to grammatical and idiomatic informalities in the specification, and the requirement for correction of such informalities be held in abeyance, as being not necessary to further consideration of the claims, until allowable subject matter is indicated.

Claim Objections

Claim 1 was objected to for an editorial problem, in that the words "by the" were missing from in between "set" and "cutting" in the recitation "the cutting method set cutting method setting unit." Actually, the missing words are present in the claims as filed and as published, but were inadvertently left out in preparing the amendments to claim 1 in Applicant's reply to the previous Office action.

Claim 2 was objected to for the grammatically problematic phrase "tool path data every machining area."

As have all of the pending claims, claims 1 and 2 have been extensively amended for editorial clarity. With specific regard to the present objections, the problem recitation in claim 1 has been amended to read "the cutting method determined by the cutting method determining unit," while the problem recitation in claim 2 has been amended to read "tool path data for each machining area division."

Rejections under 35 U.S.C. § 112

Claims 3, 7 and 9 were rejected for indefiniteness, in that claim 3 recited "a cutting etc.," and in that claim 7 recited an *element*, rather than the apparatus as a whole, as recited in any of the claims preceding claim 7, while claim 8 recited "**a** tool path data generation apparatus as claimed in claim 4."

Claim 3 has been canceled. Claim 7 has been amended to recite "the tool path data generation apparatus as recited in any of claims 1 to 6." And claim 8 has been amended to recite "the tool path data generation apparatus as recited in claim 4."

Accordingly, it is believed that the rejections under this section have been rendered moot, in the case of claim 3, and overcome by the present amendments, in the case of claims 7 and 8.

Claim Rejections – 35 U.S.C. § 103

Claims 1-10; Shin et al. '298 in view of Yamazaki et al. '572

Claims 1-10 stand rejected as being unpatentable over U.S. Pat. No. 6,363,298 to Shin et al., in view of U.S. Pat. No. 6,266,572 to Yamazaki et al.

With regard to claim 3, the Office states that Shin teaches an "information generator that generates information related to cutting . . . [as] explained in column 4 at lines 30-42 with reference to figures 5a and 5b." What is clear from this passage is that the computer-implemented techniques of Shin et al. recognize "machining feature types . . . in order to produce data for determining tool paths."

Claim 3 has been canceled, and the limitations of this claim have been incorporated in their entirety into claim 1 as now amended. To indicate the form in which the limitations from claim 3 have been added to claim 1, presented below is claim 3 as it would appear if it had not been canceled, but amended to recite the limitations in the form in which those limitations have been added to claim 1.

3. The tool path data generation apparatus as claimed in claim 1, further comprising a[[n]] machining information generator ~~related to cutting to for generating~~[[e]], on the basis of the cutting method determined by the cutting method determining unit and on information stored in the tool/cutting data storage, machining information ~~related to cutting such as a~~ including tool consumption amount of a tool to machine to final form, [[an]] estimated period taken for an abrasion of the time to tool wear-out, [[an]] and estimated time to machine to final form ~~period taken for a cutting etc. on the basis of the cutting method set by the cutting method setting unit as well as information stored in the tool/cutting data storage.~~

In contrast to Shin et al., the present invention as recited in claim 1 is a tool path data generation apparatus comprising a machining information generator that generates

machining information including tool consumption to machine to final form, estimated time to tool wear-out, and estimated time to machine to final form.

Neither in the passage cited by the Office, nor anywhere else in the reference does Shin et al. disclose, teach or suggest a machining information generator as now recited in claim 1. It is respectfully submitted that claim 1 should therefore be held allowable.

It is noted that the Yamazaki et al. reference has not been expressly cited to reject claim 1, but to reject claims 8 and 10. Accordingly, because the rejection of claim 1 over Shin et al. is believed to have been overcome for the forgoing reasons, and because claims 8 and 10 depend directly or indirectly from claim 1, it is believed that the rejections over Yamazaki et al. have been rendered moot.

Likewise, because claims 2, 5-7 and 9, in addition to claims 8 and 10, depend directly or indirectly from claim 1, in that these claims proper carry with them all of the limitations of claim 1 and any intervening claims, it is respectfully submitted that claims 2, 5-7 and 9 should be held allowable.

Accordingly, Applicant courteously urges that this application is in condition for allowance. Reconsideration and withdrawal of the rejections is requested. Favorable action by the Examiner at an early date is solicited.

Respectfully submitted,

October 25, 2006

/James Judge/

James W. Judge
Registration No. 42,701

JUDGE & MURAKAMI IP ASSOCIATES
Dojima Building, 7th Floor
6-8 Nishitemma 2-Chome, Kita-ku
Osaka-shi 530-0047
JAPAN

Telephone: **305-938-7119**
Voicemail/Fax: **703-997-4565**